

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	8:95CR170
Plaintiff,	)	
	)	
v.	)	USM No: 14828-047
	)	
DARIUS MOSS,	)	<u>David R. Stickman</u>
Defendant.	)	Defendant's Attorney
Date of previous judgment: July 21, 1997	)	

**Order Regarding Motions for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motions of the Defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motions,

**IT IS ORDERED:** the unopposed motion (Filing No. 294) is GRANTED; the stipulation (Filing No. 295) is approved; the Defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) with respect to Count I of 360 months is reduced to 292 months; and the Defendant's pro se motion to reduce his sentence (Filing No. 290) is denied as moot.

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: <u>42</u>	Amended Offense Level: <u>38</u>
Criminal History Category: <u>III</u>	Criminal History Category: <u>III</u>
Previous Guideline Range: <u>360</u> to <u>life</u>	Amended Guideline Range: <u>292</u> to <u>365</u> months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

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The reduced sentence is within the amended guideline range.

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The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

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Other (explain):

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated July 21, 1997, shall remain in effect.

**IT IS SO ORDERED.**

Dated this 20<sup>th</sup> day of December, 2011

Effective Date: December 20, 2011

s/Laurie Smith Camp  
Chief United States District Judge